

Notice of Allowability

Application No.

10/811,652

Examiner

Darren W. Ark

Applicant(s)

HILL, DANIEL J.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 1/30/2006 & Telephone Interview 3/8/06.
2. ☒ The allowed claim(s) is/are 1,3-6,9,10,12,17 and 19-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DARREN W. ARK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jay F. Moldovanyi on Wednesday, March 8, 2006.

The application has been amended as follows:

Claim 1. An animal trap for trapping an animal in the animal's burrow, the trap comprising:

a frame having an upper wall and at least two side walls depending there from, a first opening in a first wall of said at least two side walls through which an associated animal can enter and a second opening in a second side wall of said at least two side walls, spaced from the first opening through which the associated animal can see so that its burrow appears uninterrupted;

a striker mounted inside the frame such that no portion of the striker extends beyond an exterior surface of the frame;

a biasing member for biasing the striker away from the upper wall;

a set lever for retaining the striker adjacent the upper wall, said set lever comprises a pin;

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a trigger operatively connected to the striker via the set lever and connected to the frame, wherein a movement of the trigger by a predetermined distance results in movement of the striker, and wherein the trigger is positioned in a manner such that the animal's burrow appears uninterrupted between the first opening and the second opening, wherein said set lever includes a first end pivotally mounted to the upper wall and a second end selectively contacting the trigger; and

a floor spaced from the frame upper wall and extending from adjacent the first opening to adjacent the second opening such that a length of the floor is more than half the distance between the first opening and the second opening, wherein no components extend upwardly from the floor generally along a line that intersects the first opening and the second opening such that the animal's burrow appears uninterrupted between the first opening and the second opening.

Canceled claim 13.

Claim 17, line 1, replaced "apparatus" with --trap--.

Claim 19, line 1, replaced "apparatus" with --trap--.

Claim 20. The trap of claim 1, wherein the floor includes an aperture aligned with said first opening in said first wall of said at least two ~~one~~ side walls.

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Claim 21. The trap of claim 20, further comprising a pin received in the aperture, the pin being located adjacent said first opening in said first wall of said at least two ~~one~~ side walls.

Claim 23. The trap of claim 22, wherein said post further comprises ~~comprising~~ four posts ~~stakes~~, one on each corner of said quadrilateral frame.

Claim 26. The trap of claim 22, wherein said bottom wall ~~frame~~ further comprises a first bottom wall section adjacent said first end ~~side~~ wall and a second bottom wall section adjacent said second end ~~side~~ wall.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose an animal trap for trapping an animal in the animal's burrow, the trap comprising a floor extending from adjacent the first opening to adjacent the second opening such that a length of the floor is more than half the distance between the first opening and the second opening.

In regard to claim 9, the prior art of record does not disclose a method for setting a trap in an animal's underground run comprising the set lever including a first end pivotally mounted to the upper wall.

In regard to claim 22, the prior art of record does not disclose an animal trap for trapping an animal in it's burrow comprising a striker pivotally connected to the top wall and a trigger pivotally connected to the frame.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
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DWA